

MEYER SUOZZI

Paul F. Millus
Member of the Firm

Meyer, Suozzi, English & Klein, P.C.
990 Stewart Avenue, Suite 300
P.O. Box 9194
Garden City, New York 11530-9194
Direct Dial: 516-592-5933 Office: 516-741-6565
Fax: 516-741-6706
pmillus@msek.com
www.msek.com

October 13, 2017

VIA ECF

Magistrate Judge Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Turbi-Garcia v. Electchester Management LLC, et al.*
Case No.: 15-cv-04924-KAM-VMS

Dear Magistrate Judge Scanlon:

We are the attorneys for defendants in this civil action. My apologies to the Court regarding your not receiving a response in connection with the status of the mediation. However, I too have not been able, despite numerous efforts, to secure a date for mediation.

The parties' counsel appeared before the Court on October 6, 2017. At that time plaintiffs' counsel advised the Court of certain issues that had which apparently prevented plaintiffs from moving the case forward including, but not limited to, scheduling the mediation.

I note that I responded to the proposed mediator, Jeffrey Pollacks', September 29th request for available dates for a conference to schedule such a mediation. Plaintiffs failed to respond to the mediator. On October 10th Mr. Pollack sent an email to all counsel asking if there was still a need for a conference call. I responded immediately that I have provided Mr. Pollack with my availability previously and that the defendants remained interested in mediation. Yet, there was continued silence from plaintiffs' counsel.

Indeed, every attempt that I have made to try to schedule this mediation has failed until yesterday when I received call from plaintiffs' counsel's office inquiring as to whether I would be available for a mediation on October 26 commencing at 3 p.m. My first thought was, I had no idea whether this date was clear with the mediator and second, I have never started a mediation at 3:00 in the afternoon that had any hopes of being successful.

Judge Vera M. Scanlon

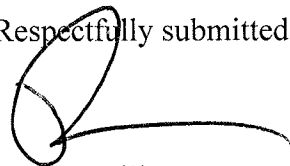
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In sum, I could provide the Court with all of my email communications to plaintiffs' counsel requesting information and confirmation of various matters, but it would seem unnecessary considering what plaintiffs' counsel advised the Court during our last Court appearance. At this juncture, while I hoped to have a meaningful mediation, I do not know whether that is at all possible under the circumstances. In any event, if that is the case, then I wish to complete any remaining discovery as soon as possible so that defendants can seek summary judgment at the earliest possible juncture.

I seek the Court's guidance at this point.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

Paul F. Millus

PFM:ld

cc: John M. Gurrieri, Esq.
Justin A. Zeller, Esq.
(Both Via ECF)